

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	
THOMAS F GRIFFIN	§	CASE NO. 20-40360-R
XXX-XX-1242	§	
1636 TROWBRIDGE CIRCLE	§	CHAPTER 13
ROCKWALL, TX 75032	§	
	§	
DEBTOR	§	

TRUSTEE'S REPORT FOR CONFIRMATION AND WITNESS AND EXHIBIT LIST

**TRUSTEE'S REPORT FOR CONFIRMATION**

Attorney for Debtor: GREGORY W. MITCHEL

Trustee: CAREY D. EBERT

Plan filed on: March 3, 2020

Confirmation Hearing: July 15, 2020

Applicable Commitment Period: 60

**I. Budget Information**

**A. Monthly income:**

Debtor	\$	0.00
Joint Debtor	\$	2,549.41
Other	\$	5,000.00
Total	\$	7,549.41
Expenses	\$	6,737.00
Difference	\$	812.41

**B. Monthly plan payments** \*

\$100.00	for 1 months =	\$	100.00
\$1,200.00	for 59 months =	\$	70,800.00

**II. Analysis of Plan**

A. Monthly plan payment	*
B. Plan duration in months	60
C. Total to be paid into plan	\$ 70,900.00
D. Administrative allowance (10% of total to be paid into plan)	\$ 7,090.00
E. Net available to creditors	\$ 63,810.00

The Plan proposes the following treatment of the listed claims:

Creditor	Proposed Principal Amount	Rate	Term	Monthly Payment	Total
<b><u>TREATMENT OF SECURED CLAIMS:</u></b>					
<b>Section 3.1 - Post Petition Home Mortgage Claims</b>					
NEW REZ HOMESTEAD (Debtor is disbursing agent)	\$0.00	0.00		\$1,949.81	\$0.00
<b>Section 3.2 - Cure Claims</b>					
MIDLAND MORTGAGE 8801 PINE FOREST DR ROWLETT TX - ARREARS	\$21,829.00	6.50		\$1,038.20	\$23,878.57
NEW REZ MORTGAGE ARREARS	\$8,000.00	4.38		\$998.41	\$8,985.71
<b>Section 3.4 - Secured Claims Subject to §506 Bifurcation</b>					
TOWNSEND VILLAGE HOA HOA ARREARS	\$2,429.17	0.00		\$809.73	\$2,429.17
<b>TOTAL PAID TO SECURED CLAIMS:</b>					\$ 35,293.45

**TREATMENT OF ADMINISTRATIVE EXPENSES, DSO CLAIMS AND OTHER PRIORITY CLAIMS:**

**Section 4.3 - Attorney Fees:**

GREGORY W. MITCHEL DEBTOR ATTORNEY	\$3,500.00	0.00		\$0.00	\$3,500.00
<b>TOTAL PAID TO PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS:</b>					\$ 3,500.00

**Section 5.2 - General Unsecured Claims**

Allowed nonpriority unsecured claims shall comprise a single class of creditors and will be paid:

- ☐ 100% + interest
- ☐ 100% + interest with no future modifications to treatment under this section
- ☒ Pro Rata Share of all funds remaining after payment of all secured , priority, and specially classified unsecured claims .

Debtor Non Exempt Property	\$21,715.07
Trustee Asserted Non Exempt Property	\$74,509.72

<b>TOTAL PAID TO PRIORITY, SPECIALLY CLASSIFIED UNSECURED AND SECURED CLAIMS:</b>	<b>\$38,793.45</b>
<b>AMOUNT AVAILABLE TO UNSECURED CLAIMS:</b>	<b>\$25,016.55</b>
<b>PROJECTED DISPOSABLE INCOME AMOUNT UNDER 11 USC §1325(b):</b>	<b>\$48,671.40</b>

The Trustee objects to confirmation on the following grounds:

- It does not appear that the Debtor will be able to make all payments under the plan as required by 11 USC §1325(a)(6).
- It does not appear that the Debtor has dedicated all projected disposable income to the proposed plan as required by 11 USC §1325(b)(1)(B). Trustee is unable to determine disposable income at this time
- The plan has not been proposed in good faith. Retaining rental property without receiving rental income (8801 Pine Forest Dr., Rowlett, TX)
- The plan violates 11 USC §1325(a)(4) in that it does not pay unsecured creditors the value of what they would receive in a case under Chapter 7.
- The Debtor has failed to amend Schedule I to reflect rental property , transmission shop, and car lot income separately (include gross income, expenses and net income)
- The Debtor has failed to amend Schedule B to reflect wife's vehicle & Transmission shop LLC and Car Lot LLC; reflect all (5) bank accounts with bank names
- The Debtor has failed to amend the Statement of Financial Affairs to reflect gross business income in question #4
- The Debtor has not tendered to the Chapter 13 Trustee the following documents:
  - Paystubs for non-filing spouse pre-petition and post-petition
  - Statements for each of your depository and investment accounts for the time period that includes the date of the filing of the petition. (5) accounts
  - Reports of Receipts and Disbursements for for 6 month pre-petition for both businesses.
  - Current declaration regarding status of post-petition obligations. (TXEB Local Form 3015-c)
- Order should reflect HOA's in §3.2 and removed from §3.4
- Order should reflect tax/insurance information in §3.1
- The Debtor liquidation value is not accurate and confirmation order must reflect current non-exempt value. (Section 5.3)

### **WITNESS AND EXHIBIT LIST**

The Trustee reserves the right to call as a witness any or all of the following listed persons in relation to confirmation:

1. Carey D. Ebert, Chapter 13 Trustee
3. Len L. Nary
4. Debtor
5. Any witness designated by other party

The Trustee reserves the right to introduce into evidence any or all of the following:

1. Copy of the Trustee's Confirmation Report, Witness and Exhibit List
2. Copies of any schedules or pleadings as filed herein by the Debtor or any other party
3. Copies of any Proof of Claim as filed herein by any creditor or other party
4. Copies of any Chapter 13 Plan and amendments thereof filed herein by the Debtor
5. Copy of the latest computer printout from the Trustee's office representing the Chapter 13 Plan payments received by the Trustee from the Debtor
6. If the Debtor is self-employed, the Debtor's monthly operating reports or profit and loss statements provided to the Trustee
7. Copies of the Debtor's prior years' tax returns as provided to the Trustee
8. Copy of Required Amendments sheet from the §341 Meeting of Creditors
9. Copy of any other document produced by the Debtor at the §341 Meeting of Creditors, or subsequently produced by the Debtor to the Trustee
10. Copy of the current issue of the Dallas/Fort Worth Metroplex Apartment Guide and/or copies of current reports from [www.apartmentratings.com](http://www.apartmentratings.com)
11. Reports from news media sources for the DFW Metroplex
12. Copies of any other exhibits designated by any other party

Copies of these exhibits will be provided by the Trustee upon request by any party.

Respectfully submitted,

/s/ Carey D. Ebert

Carey D. Ebert, TBN 05332500

Office of the Standing Chapter 13 Trustee

500 North Central Expressway, Suite 350

Plano, Texas 75074

(972) 943-2580

## CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Trustee's Report for Confirmation and Witness and Exhibit List has been served upon the following parties in interest on the date set forth below by either electronic service or mailing a copy of same to them via first class mail.

THOMAS F GRIFFIN  
1636 TROWBRIDGE CIRCLE  
ROCKWALL, TX 75032

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ADDISON, TX 75001

LINEBARGAR GOGGAN BLAIR & SAMPSON  
LLP  
2777 N. STEMMONS FREEWAY SUITE 1000  
DALLAS, TX 75207

Dated: June 30, 2020

/s/ Carey D. Ebert  
Office of the Standing Chapter 13 Trustee